

**GEORGIA DEPARTMENT OF PUBLIC SAFETY
TRANSPORTATION RULEBOOK
CHAPTER 1 – MOTOR CARRIER SAFETY REGULATIONS**

1-1 Applicability.

(a) The motor carrier safety rules and regulations of the Department are the minimum safety requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Motor Carrier Safety Regulations issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations, Parts 350, 382, 383, 385, and 390 through 397 (see Note), and as amended. (See Individual Section Pages and Notes).

(b) All references to the U.S. Department of Transportation except when used to designate approval of mechanical specifications shall be interpreted to mean the Department.

(c) Any reference in the regulations to the "Administrator, Federal Motor Carrier Safety Administration" shall be interpreted to mean Commissioner, Department of Public Safety, except insofar as the term relates to preemption.

(d) All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

(e) Where the Federal regulations as adopted by the Department refer to "carriers" or "motor carriers," the term shall mean all for hire and private motor carriers subject to the Department's jurisdiction pursuant to Title 46 O.C.G.A.

Note: Copies of the U.S. Department of Transportation's Motor Carrier Safety Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402

1-2 Reports.

(a) All reports required by the safety regulations shall be sent to the Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371, in addition to any copies required to be sent to any Federal Agency.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the safety regulations.

1-3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-7-26(c) and §46-2-91, and Chapter 6 of this Rulebook.

1-4 Construction.

(a) Unless amended herein, the rules in this chapter numbered beyond 1-300 shall generally be the same as the rules contained in the Federal Motor Carrier Safety Regulations. Where reference is made to a federal rule number (e.g., "390.5") the compatible state rule shall be deemed to be "1-" followed by the Federal rule number (e.g., "49 CFR §390.5" becomes "1-390.5").

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department's rules and regulations without listing the entire Department's section reference (e.g., "390.15" equals "1-390.15").

1-5. Inspection of Vehicles and Carriers.

(a) In performance of the duties specified in O.C.G.A. §35-2-101, certified law enforcement officers employed by the Department or designated by the commissioner shall:

- (1) Be authorized to carry firearms;

- (2) Exercise arrest powers;
- (3) Have the power to stop, enter upon, and inspect all motor vehicles using the public highways for purposes of determining whether such vehicles have complied with and are complying with laws, the administration or enforcement of which is the responsibility of the department;
- (4) Have the power to examine the facilities where motor vehicles are housed or maintained and the books and records of motor carriers for purposes of determining compliance with laws, the administration or enforcement of which is the responsibility of the department; and
- (5) Exercise the powers generally authorized for law enforcement officers in the performance of their duties or otherwise to the extent needed to protect any life or property when the circumstances demand action.

Part 350
Commercial Motor Carrier Safety Assistance Program

1-350 Commercial Motor Carrier Safety Assistance Program.

Except as amended by the Department herein, the balance of Rule 1-350 is contained in Commercial Motor Carrier Safety Assistance Program Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 350, and as amended.

1-350.1 Purpose.

Insofar as necessary to insure consistency with federal regulations, the Department adopts this Part in order to assist with the implementation and maintenance of an ongoing motor carrier and hazardous materials safety program.

Part 382
Controlled Substances and Alcohol Use and Testing

1-382 Controlled Substances and Alcohol Use and Testing.

Except as amended by the Department herein, the balance of Rule 1-382 is contained in Controlled Substance and Alcohol Use and Testing Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 382, and as amended.

Reserved (No Department amendments)

Part 383
Commercial Driver's License Standards; Requirements and Penalties

1-383 Commercial Driver's License Standards.

Except as amended by the Department herein, the balance of Rule 1-383 is contained in Commercial Driver's License Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 383, and as amended. These regulations are adopted for the purpose of enforcement and to assist the Department of Driver Services with ensuring compliance with applicable Federal Commercial Driver's License Standards.

Reserved (No Department amendments)

Part 385
Safety Fitness Procedures

1-385 Hazardous Materials Safety Fitness Permits.

Except as amended by the Department herein, the balance of rule 1-385 is contained in Hazardous Materials Safety Permit regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 385, Subpart E, and as amended.

Reserved (No Department amendments)

**Part 390
General****1-390 Motor Carrier Safety Regulations—General.**

Except as amended by the Department herein, balance of Rule 1-390 is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, in Title 49 CFR Part 390, and as amended.

Subpart A—General Applicability and Definitions**1-390.3 (a), (f), & (g) General Applicability.**

(a) The Transportation Rules of the Department of Public Safety are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate or intrastate commerce.

(f) *Exceptions.* All motor carriers and commercial motor vehicles are subject to and shall comply with the motor carrier safety rules as prescribed by the Department. The Department's rules do not apply to:

- (1) All school bus operations as defined in 390.5;
- (2) Transportation performed by the Federal government, the State of Georgia, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States.
- (3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- (4) The transportation of human corpses or sick and injured persons;
- (5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations;
- (6) (i) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with §§ 390.15, 390.19, and 390.21(a) and (b)(2).
- (ii) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, provided the vehicle is not being operated beyond a 75 air-mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work-reporting location, and provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with §§ 390.15, 390.19, and 390.21(a) and (b)(2).

(7) Those carriers excepted pursuant to the provisions of O.C.G.A §46-1-1 et. seq.

(g) The transportation of hazardous materials in interstate and intrastate commerce is fully subject to the applicable provisions of this Chapter.

1-390.5 Definitions.

Except as amended by the Department herein, balance of 1-390.5 definitions are contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 49 CFR §390.5, and as amended.

The following definitions are inserted in the appropriate alphabetical order:

Commercial Motor Vehicle (CMV) means any self-propelled or towed vehicle used on public highways in interstate or intrastate commerce to transport property or passengers when the vehicle—

(a) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 10,001 pounds or more, whichever is greater; or

(b) Is designed to transport 16 or more, including the driver; or

(c) Is of any size and used in the transportation of hazardous materials under regulations issued by the Department under Chapter 2, the Hazardous Material Safety Rules; or

(d) Is of any size and is operated by a for hire motor common or contract carrier or a carrier exempt from the economic regulations of the Department, but is otherwise subject to the Safety Rules of the Department (For "lightweight commercial motor vehicle" see definition this section).

Exempt intracity zone means the corporate limits of a municipality only as related to motor vehicles operated by for hire motor common or contract carriers and said vehicles are being operated exclusively within the corporate limits of a municipality, subject to the jurisdiction of the municipality.

Exempt motor carrier means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, or their successor agencies under 49 U.S.C. 10526; or the Department of Revenue or Georgia Public Service Commission under O.C.G.A. §46-1-1(9)(C)(xi), (xii), (xiii), or (xiv); or a motor carrier engaged in the contract transportation of U.S. Mail. "Exempt motor carriers" are subject to the Department's safety rules and regulations.

Lightweight commercial motor vehicle means any self-propelled or towed vehicle less than 10,001 pounds gross vehicle weight rating or gross combination weight rating, and with a seating capacity of less than 16 persons, including the driver, operated by:

- (a) a for hire motor carrier; or
- (b) a carrier exempt from the economic jurisdiction of the Department but otherwise subject to the safety rules of the Department; or
- (c) a private carrier transporting hazardous materials in a quantity not required to be placarded. "Lightweight commercial motor vehicles" must only comply with the following safety regulations: §§390.19; 391.11(b)(2), (3), (5), and (7); all of part 392 except §§392.8, 392.22, 392.62, and 393.63; all of part 393, except §393.95; all of part 396, except §§396.3(b), 396.11; 396.13, 396.15, and 396.17.

Person means any individual, firm, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, joint stock association, company, or public or private organization of any character and includes any trustee, receiver, assignee or personal representative thereof. (ref. O.C.G.A. §46-1-1).

Private motor carrier of property means every person except motor common or contract carriers owning, controlling, operating, or managing any motor propelled vehicle, and the lessees or trustees thereof or receivers appointed by any court whatsoever, used in the business of transporting property in private transportation not for hire over any public highway in this state. The term "private carrier" shall not include:

- (a) Motor vehicles not for hire engaged solely in the harvesting or transportation of forest products; provided, however, that motor vehicles not for hire with a manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely in the intrastate transportation of unmanufactured forest products shall be subject to the Georgia Forest Products Trucking Rules provided for in O.C.G.A. §46-1-1; or
- (b) Motor vehicles not for hire engaged solely in the intrastate transportation of road-building materials; or
- (c) Motor vehicles not for hire engaged solely in the transportation of unmanufactured agricultural or dairy products between farm, market, gin, warehouse, or mill whether such vehicle is owned by the owner or producer of such agricultural or dairy

products or not, so long as the title of the product remains in the name of the producer; or

(d) Except for the motor vehicles excluded under subparagraph (c) of this paragraph, motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or less; provided, however, that motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less and which are transporting hazardous materials, as defined in Title 49 CFR, Parts 107, 130, 171-173, and 177-180, shall be included within the meaning of the term "private carrier."

Road-building means fill dirt, rock or other sub-base, concrete, asphalt or any other material to be used in the actual construction of a public highway, provided, however, "road-building material" does not include materials designated as hazardous materials pursuant to Title 49 U.S.C. §5101, et. seq.

Special Agent See Appendix B to Subchapter B—Special Agents. Any reference to "Special Agent" shall also include any law enforcement personnel of the Department designated pursuant to O.C.G.A. §35-2-100, §35-2-101, and/or §46-11-6.

Surge brakes means a system of brakes on a trailer or semitrailer in which the trailer service brakes are activated as a result of the forward pressure of the trailer against the towing vehicle during deceleration.

1-390.15(c) Assistance in investigations and special studies.

(c) Motor carriers shall obtain and maintain on file for a period of at least one year a legible copy of any police or insurance company accident report for any accident involving motor vehicles which they own or control.

1-390.17 Additional equipment and accessories.

Nothing in this Chapter shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by this Chapter, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used.

1-390.19(j) – (m) Motor carrier identification report. (Intrastate motor carriers)

(j) *Motor carrier identification report.*

(1) All motor carriers currently conducting operations solely in intrastate commerce shall file a Motor Carrier Identification Report, and obtain a motor carrier identification number. Exception: The provisions of this paragraph do not apply to a motor carrier that:

- (i) Also engages in interstate or foreign commerce, and
- (ii) Has filed an MCS-150 with the FMCSA, or
- (iii) Has received written notification of a safety rating from FMCSA.

(2) The Motor Carrier Identification Report, Form MCS-150, is available from the U.S. Department of Transportation at their web site:

<http://safer.fmcsa.dot.gov/public/MCS-150.pdf>, or by calling the Department of Public Safety at (404)624-7211. A copy may also be downloaded from the Department's web site at <http://www.dps.georgia.gov>.

(3) The completed Motor Carrier Identification Report shall be filed by filing out the information at:

http://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option

(4) A carrier which engages solely in intrastate commerce and subsequently begins interstate operations shall comply with the provisions of Title 49 CFR §390.19,

and shall submit a copy of the FMCSA MCS-150 to the Department in one of the manners listed above.

(k) *Name to be used.* Only the legal name or a single trade name of the motor carrier may be used on the Motor Carrier Identification Report (Form MCS-150).

(l) *Display requirement.* Upon receipt and processing of the Motor Carrier Identification Report, Form MCS-150, the Department will issue the motor carrier identification number (USDOT number). The motor carrier must display the number on each self-propelled commercial motor vehicle (except lightweight commercial motor vehicles), as defined in §1-390.5, along with the additional information required by §1-390.21.

(m) *Failure to report.* Failure by a motor carrier to file a Motor Carrier Identification Report, Form MCS-150, pursuant to the provisions of this section, or furnishing misleading information or making false statements upon the MCS-150 shall subject the offender to civil and/or criminal penalties as provided for by law.

1-390.21 Marking of commercial motor vehicles and motor carrier identification numbers.

(a) *General.* Every self-propelled commercial motor vehicle operated in interstate or intrastate commerce and subject to the Department Transportation Rules in chapters 1, 2, or 4 must be marked as specified in paragraphs (b), (c) and (d) of this section.

(b) *Nature of marking.* The marking must display the following information:

(1) The legal name or a single trade name of the motor carrier operating the self-propelled commercial motor vehicle, as listed on the motor carrier identification report (Form MCS-150) and submitted in accordance with §1-390.19.

(2) The motor carrier identification number issued by the FMCSA or the Department, preceded by the letters "USDOT" (Example: USDOT 0000000).

(2.1) If the carrier is engaged solely in intrastate transportation, the motor carrier identification number preceded by the letters "USDOT" and followed by the letters "GA" (Example: USDOT 000000 GA). A solely intrastate motor carrier shall affix to all self-propelled motor vehicles the motor carrier identification number described herein within 30 days of obtaining said number.

(3) If the name of any person other than the operating carrier appears on the commercial motor vehicle, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words "operated by."

(4) Other identifying information may be displayed on the commercial motor vehicle if it is not inconsistent with the information required by this paragraph.

(c) *Size, shape, location, and color of marking.* The marking must —

(1) Appear on both sides of the self-propelled commercial motor vehicle;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 (15.24 meters) feet while the commercial motor vehicle is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) *Construction and durability.* The marking may be painted on the commercial motor vehicle or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.

(e) *Rented commercial motor vehicles.* A motor carrier operating a self-propelled commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

(1) The commercial motor vehicle is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or (2) The commercial motor vehicle is marked as set forth in paragraph (e)(2)(i) through (iv) of this section:

(i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section;

(ii) The lessor's identification number, issued by the FMCSA or the Department, preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and

(iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the FMCSA or the Department, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown in the rental agreement:

(1) Information which will indicate if the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented commercial motor vehicle.

(C) The sentence: "This lessor cooperates with all federal, state, and local law enforcement officials nationwide to provide the identity of customers who operate this rental commercial motor vehicle;" and

(iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental commercial motor vehicle during the full term of the rental agreement. See the leasing regulations at 49 CFR 376 for information that should be included in all leasing documents.

(f) *Driveaway services.* In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier's USDOT number.

1-390.23(a)(3)(i) Tow trucks responding to emergencies.

The exemption provided by paragraph (a)(3) of this section is effective only when a request has been made by a Federal, State or local police officer for tow trucks to move wrecked or disabled motor vehicles. The exemption shall apply to Parts 393 and 396 of these regulations only until the wrecked or disabled vehicles can be removed from the roadway to a place of safety where the tow operator can comply, not to exceed five miles distance, or, on a limited access highway, the next available exit, rest area, weigh station, or accident investigation site, whichever comes first.

Part 391
Qualifications of Drivers

1-391 Motor Carrier Safety Regulations—Qualifications of Drivers.

Except as amended by the Department herein, Balance of Rule 1-391, is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 391, and as amended.

1-391.2(f) General exemptions.

(f) *Limited exceptions for intrastate drivers.* Drivers of commercial motor vehicles are excepted from the following provisions of Part 391 if the terms and conditions contained herein are met:

- (1) §391.41(b)(3), relating to diabetes mellitus;
- (2) §391.41(b)(8), relating to epilepsy;
- (3) §391.41(b)(10), relating to visual acuity, provided the driver has distant visual acuity of at least 20/40 (Snellen) in one eye without corrective lenses or visual acuity of corrected to 20/40 (Snellen) or better with corrective lenses, distant monocular acuity of at least 20/40 (Snellen) in one eye with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in one eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.
- (4) No driver may be grandfathered under the provisions of this section after March 31, 1993. Provided, however, a driver who is "grandfathered" under the above provisions will remain qualified to operate a commercial motor vehicle under the exceptions provided for in subparagraphs (1), (2), and (3) of this section so long as the driver is physically examined every 24 months and the examining physician determines that the existing medical or physical condition that would render the driver not qualified under the Federal Motor Carrier Safety Regulations has not worsened or another condition has not manifested itself.

1-391.43(d) and (f) Medical examination; certificate of physical examination.

(d)(1) Any driver authorized to operate a commercial motor vehicle within an exempt intracity zone pursuant to §391.62 shall furnish the examining medical examiner with a copy of the medical findings that led to the issuance of the first medical examination which allowed the driver to operate a commercial motor vehicle wholly within an exempt intracity zone.

(2) Any driver authorized to operate a commercial motor vehicle solely in intrastate commerce pursuant to §391.2(f) shall furnish the examining medical examiner with a copy of the medical findings that led to the issuance of the first medical examination which allowed the driver to operate a commercial motor vehicle solely in intrastate commerce.

(f)(4) If a medical examiner determines the driver is qualified to drive only a commercial motor vehicle in intrastate commerce pursuant to §391.2(f), the following statement or other statement identifying the holder as a grandfathered driver, shall appear on the medical examiner's certificate: "MEDICALLY UNQUALIFIED UNLESS DRIVING INTRASTATE."

1-391.61 Drivers who were regularly employed before January 1, 1971, July 1, 1972, and April 1, 1984.

(a) The provisions of §391.21 (relating to applications for employment), §391.23 (relating to investigations and inquiries), §391.31 and §391.33 (relating to road tests) do not apply to a driver who has been a single-employer driver (as defined in §390.5 of this chapter) of an interstate motor carrier for a continuous period which began before January 1, 1971, as long as he/she continues to be a single-employer driver of that motor carrier.

(b) The qualification file for a driver of a for hire motor carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before July 1, 1972 must include, as minimum, the following:

(1) The medical examiner's certificate of his/her physical qualification to drive a motor vehicle or a legible copy of the certificate;

(2) The letter granting a waiver of a physical disqualification, if a waiver was issued under §391.49;

(3) The note relating to annual review of the driver's driving record required by §391.25;

(4) The response of each state agency to the driver's record inquiry required by §391.25(a); and,

(5) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(c) The qualification file for a driver of a private carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before April 1, 1984 must include, as minimum, the documents specified in paragraph (b) of this section.

1-391.75 Drivers of lightweight commercial motor vehicles; intrastate drivers.

The provisions of §391.11(b)(1) (relating to minimum age) do not apply to: A driver of a lightweight commercial motor vehicle as defined in §390.5 operated in interstate or intrastate commerce; and a driver of a commercial motor vehicle engaged solely in intrastate commerce. The driver of a motor vehicle described in this section need only be 18 years of age.

Part 392
Driving of Commercial Motor Vehicles

1-392 Motor Carrier Safety Regulations—Driving of Commercial Motor Vehicles.

Except as amended by the Department herein, Rule 4-1-392 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 392, and as amended

1-392.5(a)(3)(ii) Alcohol Prohibition.

(ii) Possessed or used by bus or limousine passengers.

Part 393
Parts and Accessories Necessary for Safe Operation

1-393 Motor Carrier Safety Regulations—Parts and Accessories Necessary for Safe Operation.

Except as amended by the Department herein, balance of Rule 1-393, is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 393, and as amended.

1-393.11PL Strobe lamp on the rear of projecting loads.

(a) Motor vehicles transporting loads of logs, long pulpwood, poles, or posts which extend more than 4 feet beyond the body or bed of such vehicle, shall have securely affixed as close as practical to the end of such projections one amber strobe type lamp equipped with a multi-directional type lens so mounted as to be visible from the rear and sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so as to be visible from both sides and the rear of the projecting load, multiple strobe lamps shall be utilized so as to meet the visibility requirements.

(b) The strobe lamp shall flash a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the sides and rear of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway.

(c) The use of red marker lamps on projecting loads as enumerated in O.C.G.A. §40-8-27, being transported on vehicles under the jurisdiction of the Department of Public Safety, are not required if a strobe lamp is utilized as required by this rule.

(d) The projecting load shall also be marked with flag(s) as required by §393.87 of these rules.

(e) In addition to the requirements of this section and §393.11 above, motor vehicles transporting projecting loads in interstate commerce are required to comply with the Federal Motor Carrier Safety Regulations under Title 49 CFR.

1-393.41 (d) Parking brake system.

(d) Every commercial motor vehicle, of a year model of 1966 or later, shall be equipped with a parking brake that meets the requirements of O.C.G.A. §40-8-52.

1-393.42 (c) Brake Requirements for Manufactured Homes, Modular Homes, Sectional Houses, and Portable Buildings, and (d) Surge Brakes.

(c) Manufactured homes, modular homes, sectional houses and portable buildings in excess of 12 feet wide, must be equipped with operating brakes on at least one-half of the axles of the manufactured home, trailer or dolly transporting a modular home, sectional house or portable building. If unit has three (3) or more axles, at least two (2) axles must be equipped with functioning brakes.

(d) *Surge brakes.* Any trailer or semitrailer may utilize surge brakes, subject to the following conditions and limitations:

(1) The vehicle or combination of vehicles does not include a vehicle designed or used to transport 16 or more passengers, including the driver;

(2) The trailer or semitrailer has a gross vehicle weight rating which does not exceed 12,000 pounds;

(3) The combination of vehicles does not exceed a gross combination weight rating of 26,000 pounds;

(4) The actual gross weight of the trailer or semitrailer and load does not exceed the manufacturer's gross vehicle weight rating;

(5) The trailer or semitrailer brakes must be designed and connected in such a manner that in case of accidental breakaway of the towed vehicle the brakes shall apply automatically;

(6) The trailer or semitrailer is not used to transport hazardous materials in a type and quantity which requires placarding;

(7) The trailer or semitrailer is not used to transport liquids or gases contained in packaging which exceeds 119 gallons capacity; and

(8) The vehicle or combination of vehicles is used only in intrastate commerce and complies in all other respects with licensing, insurance, registration, identification, driver and vehicle safety, and hazardous materials regulations of the Department and U. S. Department of Transportation applicable to such vehicles or combination of vehicles.

1-393.87 Flags on projecting loads.

(a) Any commercial motor vehicle transporting a load which extends beyond the sides by more than 4 inches or more than 4 feet beyond the rear must have the extremities of the load marked with red or orange fluorescent warning flags. Each warning flag must be at least 18 inches square.

(b) *Position of flags.* There must be a single flag at the extreme rear if the projecting load is two feet wide or less. Two warning flags are required if the projecting load is wider than two feet. Flags must be located to indicate maximum width of loads which extend beyond the sides and/or rear of the vehicle.

(c) Flags may be made either partially or completely of a retro reflective material.

1-393.95 Emergency equipment

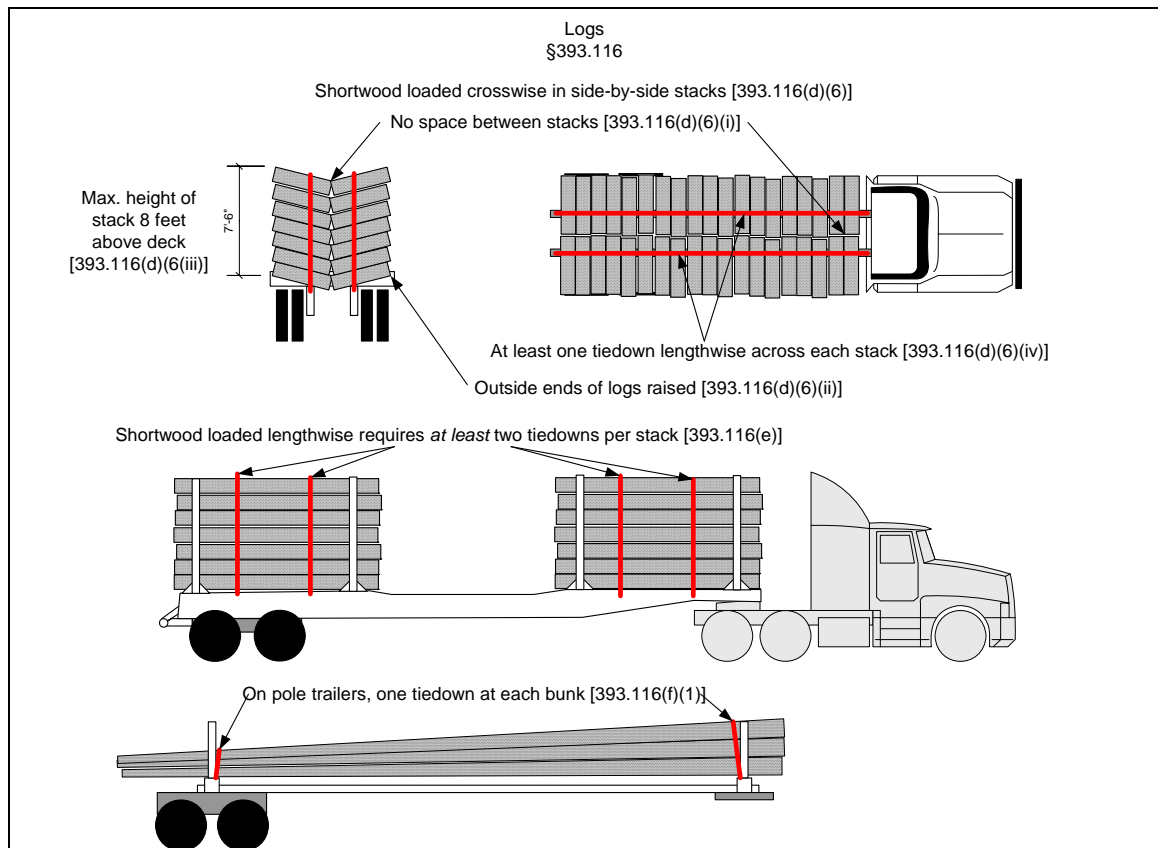
(g) (1) *Additional restrictions on the use of flame-producing devices.* No vehicle transporting unmanufactured forest products may be equipped with or use any flame-producing stopped vehicle warning devices, including, but not limited to, liquid-burning flares, fusees, oil lanterns.

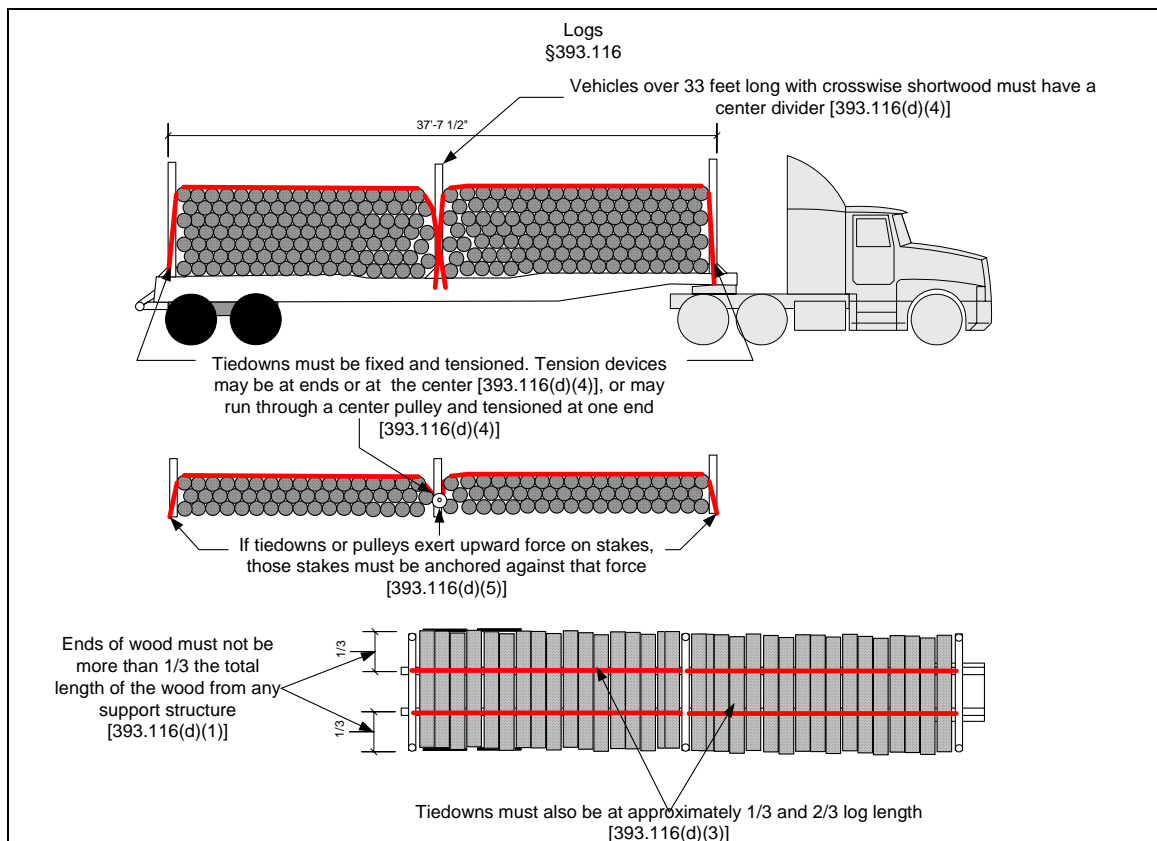
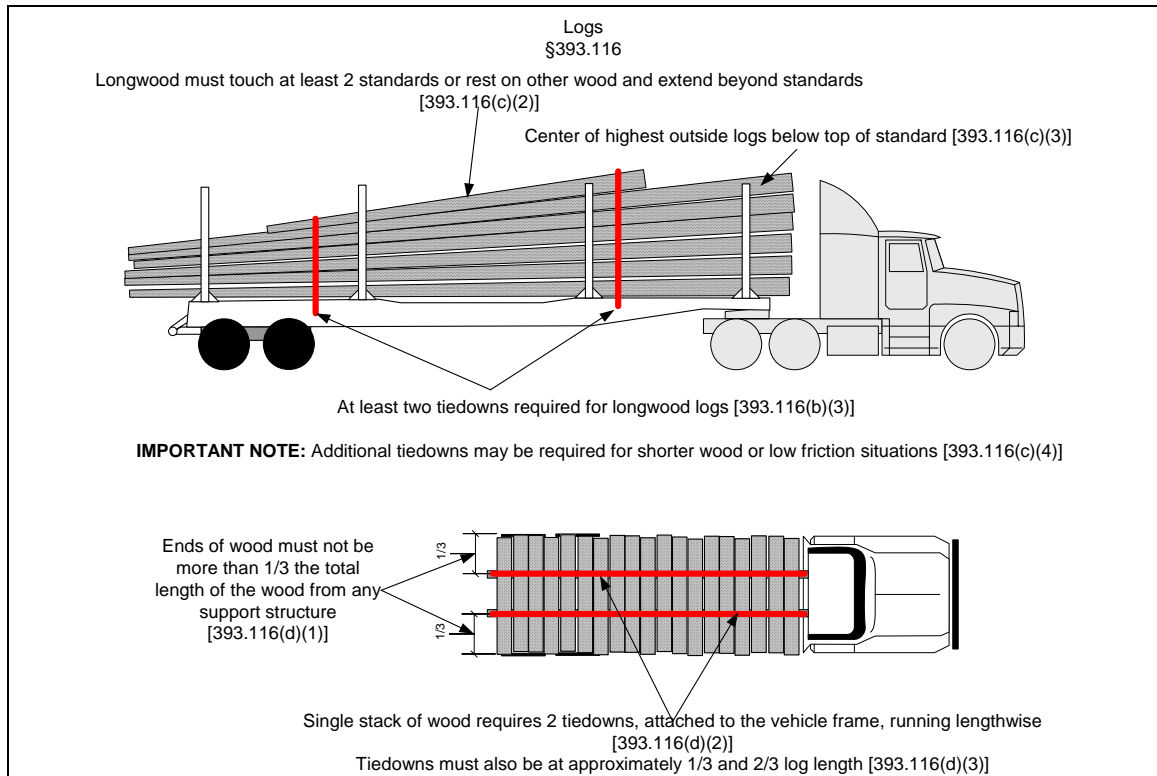
1-393.100(e) What occupant protection is required for drivers?

(e) *Occupant protection for drivers transporting log, poles, posts, beams, or articles of cargo of similar shape.* In addition to any other requirements of this subpart, vehicles operated in this state while transporting loads of logs, poles, posts, beams, or articles of cargo of similar shape shall be equipped with an occupant protection device (commonly known as a headache rack, header board, header rack, or front end structure) firmly mounted between the cargo and the driver. Such device shall be intended to protect the driver from the forward shifting of such loads in the event of rapid deceleration of the vehicle. The device may be mounted to the frame of the power unit or trailer, shall be installed and maintained in a workmanlike manner, and shall be free of cracks or breaks. The size, strength, and penetration resistance of such occupant protection device shall be the same as described in §393.114. An equivalent device (such as a trailer drop deck or similar device) may substitute for an occupant protection device provided the level of protect is equal to or greater than that provided by this section.

1-393.116(h) Strength and positioning of tiedowns.*(h) Strength and positioning of tiedowns.*

- (1) Longwood (commonly known as tree-length wood) loaded lengthwise (as described in paragraphs (b)(3) and (f) of this section) shall be secured to the vehicle with two or more tiedowns, spread out and positioned along the length of the load to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in working load limit (WLL) strength to that of 4" synthetic webbing as described in §393.108 and the aggregate WLL strength of all the tiedown assemblies shall be equal to at least one-sixth the weight of the load of logs.
- (2) Double-bunked wood loaded lengthwise (shortwood or longwood) shall be secured to the vehicle with two or more tiedowns per section. The tiedowns shall be spread out and placed near the ends of the section or near the standards to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in WLL strength to that of 3" synthetic webbing as described in §393.108 and the aggregate WLL strength of the tiedown assemblies shall be equal to at least one-sixth the weight of the section of logs.



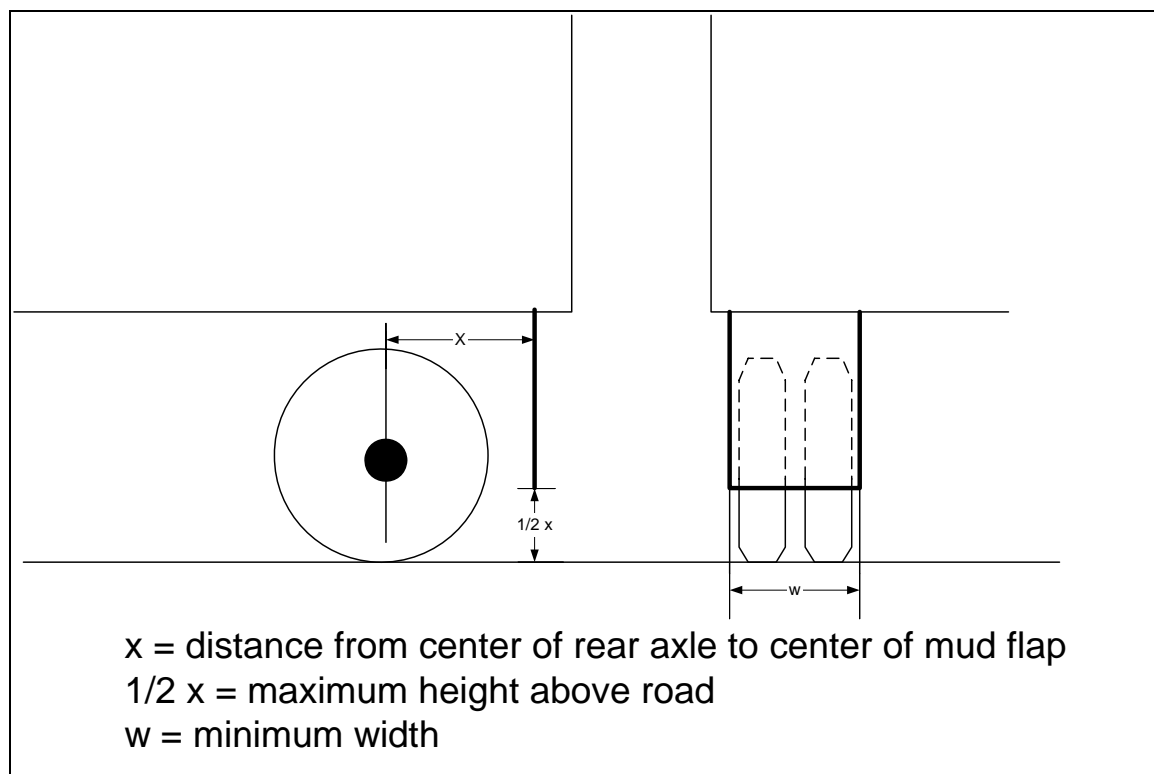


1-393.117 What are the requirements for securing sawdust, wood chips, bark, or pine straw?

Each load of sawdust, wood chips, bark, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement. Furthermore, such loads must meet the applicable general cargo securement rules of §§ 393.100 through 393.114.

1-393.220 Tire covers (wheel flaps; mud flaps).

Every bus, truck, trailer, semi-trailer, and pole trailer, shall be equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels to prevent, as far as practicable, such wheels from throwing dirt, gravel, rocks, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-half the distance from the center of the rearmost axle to the center of the protector or flap under any conditions of loading of the vehicle and shall be at least as wide as the tire or tires they are covering; provided, however, that if any such bus, truck, trailer, semi-trailer, and pole trailer is so designed and constructed that the foregoing requirements are accomplished by means of fenders, body construction, or other enclosures, then no such protectors or flaps shall be required. (See O.C.G.A. §40-8-75)



Part 394
[Reserved]

1-394 Motor Carrier Safety Regulations-Reserved.

Except as amended by the Department herein, Rule 1-394 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 394, and as amended.

RESERVED

(Special Note: For definition of "accident," see 49 CFR §390.5. For accident record keeping requirements, see 49 CFR §390.15(b). For hazardous materials spill reporting requirements, see 49 CFR §171.15 and §171.16)

Part 395
Hours of Service of Drivers

1-395 Motor Carrier Safety Regulations—Hours of Service of Drivers.

Except as amended by the Department herein, Rule 1-395 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 395, and as amended.

1-395.1(k)(3) *Georgia planting and harvesting seasons.* Based on information provided by the Georgia Department of Agriculture, the Department finds that the planting and harvesting seasons for Georgia cover 365 days each year.

Part 396
Inspection, Repair, and Maintenance

1-396 Motor Carrier Safety Regulations—Inspection, Repair, and Maintenance.

Except as amended by the Department herein, balance of Rule 1-396 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 396, and as amended.

1-396.9 Inspection of motor vehicles in operation.

(a) *Personnel authorized to perform inspections.* Every Law Enforcement Officer of the Department or other persons designated by the Department are authorized to stop, enter upon, and perform inspections of motor carrier's vehicles in operation; said personnel are further authorized to examine vehicles, including, but not limited to, cargo and compartments where cargo or equipment and supplies may be carried, driver's compartments and sleeper berths, and to examine documents normally carried onboard such vehicles, including but not limited to, driver qualification and training documents, driver's licenses, records of duty status, hours of service records, inspection reports, shipping documents, leases, permits, vehicle registrations, and insurance documents. This authority includes all stations, garages, offices, vehicles and their compartments, and all records kept or required to be kept.

(b) *Prescribed inspection report.* The Driver Vehicle Inspection Report shall be used to record results of motor vehicle inspections conducted by authorized personnel. In addition to or in place of written documents, inspections may be recorded in electronic form.

(c) *Motor vehicles, drivers, and cargo declared "out of service."*

(1) The Department shall establish uniform "out of service" criteria for placing unsafe vehicles, drivers, and cargo out of service. An "out of service" sticker shall be used to mark vehicles out of service. Authorized personnel shall declare and mark "out of service" any motor vehicle, which by reason of its mechanical conditions or loading would likely cause an accident or breakdown. Authorized personnel are further authorized to declare "out of service" any driver who violates or otherwise fails to comply with "out of service" criteria established pursuant to Parts 107, 130, 171-185, 382, 383, 385, and 390-397.

(2) No motor carrier shall require or permit any person to operate any motor vehicle declared and marked "out of service" until all repairs required by the "out of service" notice have been satisfactorily completed. No driver declared "out of service" pursuant to criteria established under this section shall drive a motor vehicle, until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. No cargo declared "out of service" pursuant to criteria established under this section shall be moved until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. The term "operate" as used in this section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist (commonly referred to as a wrecker). A vehicle combination consisting of an emergency towing vehicle and an "out of service" vehicle shall not be operated unless such combination meets the performance requirements of this Chapter except for those conditions noted on the Driver Vehicle Inspection Report. Hazardous materials cargo declared "out of service" may be allowed to be moved to the nearest facility with equipment and personnel capable of handling such materials.

(3) No person shall remove the "out of service" vehicle sticker from any motor vehicle prior to completion of all repairs required by the "out of service" notice.

(4) Violations or defects noted on the Driver Vehicle Inspection Report which do not render the driver, vehicle, or cargo "out of service" shall be repaired or corrected as

soon as possible, but in any case before the vehicle, driver, or cargo is dispatched or sent on another trip.

(d) *Motor Carrier disposition.*

(1) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his or her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

(2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

(3) Within 15 days following the date of the inspection, the motor carrier shall—

(i) Certify that all violations noted have been corrected by completing the "Signature of Carrier Official" and "Date Signed" portions of the form;

(ii) When applicable, have the repairer complete the "Signature of Repairer," "Facility," and "Date" portions of the report; and

(iii) Return the completed inspection form to the Department at the address indicated on the report.

(e) *Penalties.* Violation of an "out of service" order, or false, fraudulent, or misleading statements regarding correction of the driver, vehicle, or cargo defects may subject the driver, carrier, and repairer, to civil and criminal penalties as provided for by law.

Part 397

Transportation of Hazardous Materials; Driving and Parking Rules.

1-397 Motor Carrier Safety Regulations—Transportation of Hazardous Materials; Driving and Parking Rules.

Except as amended by the Department herein, balance of Rule 1-397 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 397, and as amended.

RESERVED (No Department Amendments)